

## **REMARKS/ARGUMENTS**

### **Claim Amendments**

The Applicant has amended claims 1, 22, 26 and 27 to clarify the language. Applicant respectfully submits no new matter has been added. Accordingly, claims 1-16 and 22-27 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

### **Response to Arguments**

Applicant respectfully submits that the term “broadcaster” though not specifically defined in the specification is depicted in Figure 1. In the Summary on page 2 is the following: “[T]he invention relates to a technique for broadcasting content data by a broadcaster to a plurality of clients. The transmission of the content data occurs in two stages, a first broadcast stage in which content data is broadcast over an unreliable downlink-only communications pathway.” The Applicant submits that the term “transmission” implies a device for transmitting the content data to the plurality of clients and any person having ordinary skill in the art would recognize this.

In the Summary on page 2, “[T]he invention relates to a technique for broadcasting content data by a broadcaster to a plurality of clients. The transmission of the content data occurs in two stages, a first broadcast stage in which content data is broadcast over an unreliable downlink-only communications pathway. After the broadcast stage has been completed, the clients are bi-directionally coupled to at least one proxy server to initiate one or more post-processing transactions, such as transmitting acknowledgments, repairing missing file segments, retrieving rights objects, replying to interactive prompts (e.g., requests to vote on a subject), and the provision of additional content relating to the broadcast.”

The “units” recited by the claim are cited as being equivalent to software. The Applicant respectfully disagrees. “The broadcast unit for broadcasting the content data...” as recited in claim 22 is obviously hardware. The remaining “units” in claim 22 are not distinguished from the “broadcast” unit indicating that all the units are also hardware related.

The argument raised by the Applicant and cited in part 3 of the Response (page 9 of the Specification), though technically correct, probably needs clarification. As the Examiner indicated the broadcaster communicates with the plurality of clients and the Applicant stated that the "clients communicate with the server proxies and not with the broadcaster". Actually, the clients do not communicate directly with the broadcaster and as the claim indicates the clients communicate with proxy servers for post processing. The Summary on page 2 supports this limitation: "[A]fter the broadcast stage has been completed, the clients are bi-directionally coupled to at least one proxy server to initiate one or more post-processing transactions, such as transmitting acknowledgments, repairing missing file segments, retrieving rights objects, replying to interactive prompts (e.g., requests to vote on a subject), and the provision of additional content relating to the broadcast.

#### **Examiner Objections - Claims**

Claims 22 and 26 were objected to because of informalities. The Applicant appreciates the Examiner's thorough review of the claims. The Applicant has amended the claims in order to correct the informalities. The Examiner's consideration of the amended claims is respectfully requested. The "units" recited by the claim are cited as being equivalent to software. The Applicant respectfully disagrees. "The broadcast unit for broadcasting the content data..." as recited in claim 22 is obviously hardware. The remaining "units" in claim 22 are not distinguished from the "broadcast" unit indicating that all the units are also hardware related. The Applicant respectfully requests the allowance of claims 22 and 26.

#### **Claim Rejections – 35 U.S.C. § 101**

Claims 22-24 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The "units" recited by the claim are cited as being equivalent to software. The Applicant respectfully disagrees. "The broadcast unit for broadcasting the content data..." as recited in claim 22 is obviously hardware. The remaining "units" in claim 22 are not distinguished from the "broadcast" unit indicating

that all the units are also hardware related. The Applicant respectfully requests the allowance of claims 22-24.

### **Claim Rejections – 35 U.S.C. § 112**

Claims 1-16 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter as the invention. The argument raised by the Applicant in the reply filed June 30, 2009, though technically correct, probably needs clarification. As the Examiner indicated the broadcaster communicates with the plurality of clients and the Applicant stated that the “clients communicate with the server proxies and not with the broadcaster”. The Applicant agrees (based on the accepted definition of communication) that broadcaster communicates with the clients by broadcasting content data to the clients. However, the clients do not communicate, in this sense of communication, with the broadcaster. The clients, as the claim indicates, communicate with proxy servers for post processing, using information provided to the proxy servers by the broadcaster. The Summary on page 2 supports this limitation: “[A]fter the broadcast stage has been completed, the clients are bi-directionally coupled to at least one proxy server to initiate one or more post-processing transactions, such as transmitting acknowledgments, repairing missing file segments, retrieving rights objects, replying to interactive prompts (e.g., requests to vote on a subject), and the provision of additional content relating to the broadcast.

Furthermore, the independent claim preamble states “A method for broadcasting content data from a broadcaster to a plurality of clients...”. The Applicant respectfully submits that the data is being broadcast from the broadcaster and there is no necessity for further reciting the source of the data. The Applicant respectfully requests the allowance of claims 1-16.

The Applicant has amended claim 27 to clarify the language and respectfully requests the allowance of claim 27.

### **Claim Rejections – 35 U.S.C. § 103 (a)**

Claims 1-5, 7-16 and 22-27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Tatsumi et al (US 2002/0095635 A1) in view of Takagi, et al. (US 2002/0065842 A1). The Applicant respectfully traverses the rejection of these claims.

The Tatsumi reference is noted by the Detailed action as not explicitly disclosing a plurality of available proxy servers or the plurality of clients is different from the plurality of proxy servers. The Takagi reference is cited as disclosing bi-directional communication with the client and supports a situation where the client and broadcaster are not in direct communication but, with a proxy server serving as an intermediary.

The Applicant respectfully directs the Examiner's attention to claim 1 and the emphasized portion of the claim.

1. (Previously Presented) A method for broadcasting content data from a broadcaster to a plurality of clients, the method comprising the steps of:

simultaneously transmitting the content data to the plurality of clients via an unreliable downlink-only communications pathway;

bi-directionally coupling the plurality of clients, each to a proxy server to initiate post-processing transactions, the broadcaster communicating with the proxy server to provide sufficient information to handle any of the post-processing transactions requested by any one of the plurality of clients;

determining, by the plurality of clients, a plurality of available proxy servers that may be contacted for post-processing after the content data broadcast, wherein the plurality of clients is different from the plurality of proxy servers;

randomly selecting, by each of the plurality of clients, one of the plurality of available proxy servers to contact for post-processing after the content data broadcast; and

contacting, by the plurality of clients, each of the selected proxy servers to initiate post-processing. (emphasis added)

The Applicant respectfully submits that the Tatsumi reference, whether considered individually or in combination with the Takagi reference, fails to disclose all the limitations recited in the independent claims (MPEP § 2143).

The Applicant respectfully submits that the interpretation of cited reference (para. [0019]) in Tatsumi regarding a broadcasting path as downlink only, in view of the complete paragraph, is misinterpreted. Paragraph [0019] goes on to state

"...transmitting data including the errors through a bidirectional communication path capable of bi-directionally transmitting data." (lines 8-10). In other words, the path between the clients and the "broadcaster" in Tatsumi is disclosed as bi-directional, not one way (downlink-only). As acknowledged by the Detailed Action, the present invention transmits data to clients via "downlink only communications pathway;" i.e., one way communications, indicating that the communications pathway does not carry replies from the clients.

The limitation beginning "bi-directionally coupling the plurality of clients,..." is noted as being disclosed by the Tatsumi reference (Fig. 1, paragraph [0019]). As discussed above, the cited paragraph refers to a bidirectional path between the broadcaster and the clients, not between the clients and the proxy servers. Paragraph [0019] states in lines 10-12, that "...a receiving unit receives data...from the broadcasting path or bidirectional communication path." Thus, Tatsumi does not disclose a non-bidirectional pathway.

The Takagi reference is cited teaching a proxy server in bidirectional communications with the client and that the proxy server serves as an intermediary where the client and broadcaster are not in communication. The Applicant respectfully disagrees with the interpretation of the cited portion in the Takagi reference, especially in view of the paragraph immediately after paragraph [0166].

Takagi discloses in the cited portion (paragraph [0166]) "...a screen output for a small screen device on the basis of detailed annotation information. The system of this embodiment can obtain an output with higher precision in combination with such annotation information." "...[t]he proxy server...includes a post processing for annotation module 71, in addition to the components of the proxy server." In the following paragraph ([0167]) the annotation embodiment is further described: "A volunteer 74 inputs detailed annotation information..." and "The annotation information is input to the annotation server 73, then recorded to the annotation database. If annotation information exists in the annotation database 72, the post-processing can be performed...". (paragraph [0167]) Therefore, Takagi discloses an annotation database

that has volunteer inputs and the annotation database is used for post processing in order to provide output for a small screen device (paragraph [0167]).

The accepted definition of annotate is to "add notes of explanation" and the annotation in Takagi is done by a "volunteer". Annotation information is not information from the broadcaster that allows post processing by the clients as disclosed by the limitation in claim 1. The post processing information in Takagi is annotation information from an annotation server and annotation database. The Takagi reference fails to disclose the broadcaster providing "...sufficient information to handle any of the post processing transactions..." as claimed in claim 1. Therefore, the Takagi reference actually teaches away from the Applicant's invention by providing information from a source other than the broadcaster.

The Tatsumi and Takagi references, whether taken individually or together, do not disclose the downlink-only communications pathway, the bi-directionally coupling or the broadcaster providing sufficient information limitations in claim 1. This being the case, the Applicant respectfully requests the allowance of claim 1 and analogous claims 22 and 26.

Claims 2-5, 8-16, 23-25 and 27 depend from independent claims 1, 22 and 26 and recite further limitations in combination with the novel elements of the independent claims. Therefore, the allowance of claims 2-5, 8-16, 23-25 and 27 is respectfully requested.

Claim 6 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Tatsumi and Takagi in view of Hudson et al (US 2003/0204613 A1). The Applicant respectfully traverses the rejection of this claim.

The Hudson reference is cited for disclosing a digital rights manager. The Hudson reference fails to disclose the limitations not disclosed by either the Tatsumi or Takagi references or the combination of these references. Claim 6 depends from claim 1 and recites further limitations in combination with the novel elements of claim 1.

Therefore, the Applicant respectfully submits that the combination of these

references does not teach all the limitations in claim 6 and the allowance of claim 6 is respectfully requested.

#### **Prior Art Not Relied Upon**

In paragraph 4 on page 10 of the Office Action, the Examiner stated that the prior art made of record and not relied upon is considered pertinent to the Applicant's disclosure.

### CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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